

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jan Weber  
Serial No. : 10/762,815  
Filed : January 22, 2004  
Title : MEDICAL DEVICES

Art Unit : 3734  
Examiner : Kevin T. Truong  
Conf. No. : 6109

**MAIL STOP AF**

Commissioner for Patents  
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REPLY TO ACTION OF SEPTEMBER 11, 2007

In reply to the Final Office Action of September 11, 2007, Applicant submits the following remarks.

The Office Action is in error because the Examiner did not examine claim 76, the only independent claim. Independent claim 76 recites the following:

76. An expandable stent comprising:  
a polymer member; and  
a metal member contacting the polymer member,  
wherein the members are arranged such that the metal member does not  
form a closed current loop.

Independent claim 76 is generic the species of Figures 1-4 and 9 and the species of Figures 5-8. Both species include arrangements where the “electrically conductive portions (as shown, wires 24) that cannot form a closed current loop.” (Specification, page 7, lines 4-5). For example, the structure shown in Fig. 1 includes at least one helix shaped wire 24 that does not form a closed current loop. A helix wire does not form a closed current loop. Accordingly, the Examiner’s assertion that “independent claim 76 [is] drawn to non-elected figure 7” is not correct.

Furthermore, the rejection of claims 1-17, 19, 20, 22-26, and 63-66 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 6,340,367 (“Stinson”) is improper. These claims all depend from new independent claim 76, which requires “a polymer member; and a metal member contacting the polymer member, wherein the members are arranged such that the metal member does not form a closed current loop.” Contrary to the structure set forth in claim 76, the arrangements disclosed by Stinson include metal members that form closed current loops. As shown in figs. 2, 3, and 5-7 of Stinson, the metal members form a criss-cross pattern that would